

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte DAVID WILLIAM KOENIG,  
FRANKLIN M.C. CHEN; MELANIE A. KEOMANY  
and JASON ROBERT BORSKI

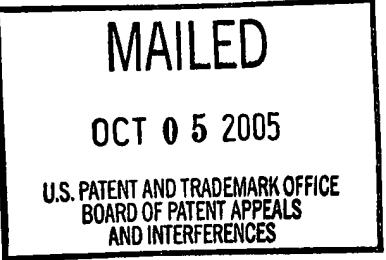
Application No. 10/029,322

ORDER RETURNING UNDOCKETED APPEAL

This application was received electronically at the Board of Patent Appeals and Interferences on August 11, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

INFORMATION DISCLOSURE STATEMENT

Appellant filed an Information Disclosure Statement (IDS) on April 5, 2002. It is not clear from the record whether or not the IDS has been considered and the related Form 1449



needs to be signed. The examiner needs to consider the Information Disclosure Statement and acknowledge such consideration.

APPEAL BRIEF

On March 11, 2005, 2005, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that is not in compliance with the headings (Evidence Appendix and Related Proceedings Appendix) as set forth in the new rules under 37 CFR 41.37(c).

CONCLUSION

Accordingly, it is

**ORDERED** that the application is returned to the examiner for:

- 1) consideration and proper written response to the Information Disclosure Statement filed April 5, 2002;
- 2) the examiner's signature on the accompanying Form 1449 for each is required;
- 3) vacate the Examiner's Answer dated March 11, 2005,
- 4) prepare a revised Examiner's Answer to include all appropriate headings in accordance with the new rules effective September 13, 2004; and
- 5) for any further action as deemed appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e. abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

  
CRAIG R. FEINBERG  
PROGRAM AND RESOURCE  
ADMINISTRATOR  
(571)272-9797

CRF/dpv

Application No.10/029,322

Senniger, Powers, Leavitt and Roedel  
One Metropolitan Square  
16<sup>th</sup> Floor  
St. Louis, MO 63102